

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ROC-35032 – REVIEW OF CONDITION – SPECIAL USE

PERMIT – APPLICANT: YESHIVA DAY SCHOOL OF LAS VEGAS - OWNER:

VILLAGE SQUARE SHOPPING CENTER

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Conformance to all conditions of approval for Special Use Permit (SUP-29448) and all other site related actions as required by the Planning and Development Department and Department of Public Works except as noted herein.
2. Condition ‘A’ of Special Use Permit (SUP-29448) shall be changed to read, “The maximum number of students allowed is 48 and staff members is four (4). If these numbers increase, a review of condition will be required.”

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Review of Condition to change Condition 'A' of a previously approved Special Use Permit (SUP-29448) from a maximum of 25 students to 48 students with the number of staff members to remain the same for a proposed Private School, Primary located within a shopping center at 9420 West Sahara Avenue, Suite 201. The location currently has a business license (B20-01560) for administrative offices only, as their original application (S02-01132) to operate a school was denied on 12/09/08 for failure to meet fire department requirements. City records show no history of building permits for tenant improvements or a certificate of occupancy issued for a school. Previous building permits for the subject site were issued for a title company.

Title 19.04 parking requirements for a Private School, Primary are based on the total number of classrooms, which are not changing; therefore, parking is sufficient to support the increased number of students. Staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/15/89	The City Council approved a request for Rezoning (Z-0139-88) from N-U (Non-Urban) under Resolution of Intent to R-PD4 (Residential Planned Development- 4 Units per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-V (Civic) to R-PD7 (Residential Planned Development- 7 Units per Acre), R-3 (Medium Density Residential), and C-1 (Limited Commercial) of property located on the west side of Fort Apache Road between Sahara Avenue and Charleston Boulevard. The Planning Commission recommended approval on 01/12/89.
11/09/98	The City Council approved a request for a Special Use Permit (U-0115-98) for a Supper Club in conjunction with a proposed 8,802 square-foot Restaurant on property located north of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval on 10/08/98.
10/01/03	The City Council approved a Special Use Permit (SUP-2768) for a Restaurant with Service Bar at 9410 West Sahara Avenue. The Planning Commission recommended approval on 08/28/03.

08/18/04	The City Council approved a request for a Site Development Plan Review (SDR-4639) for a 57,092 square-foot retail/commercial building (Pad "P") with a waiver of commercial standards for three feet of foundation landscaping where six feet is required. The Planning Commission recommended approval on 07/22/04.
02/15/06	The City Council approved a request for a Special Use Permit (SUP-10406) for a Restaurant with Service Bar at 9440 West Sahara Avenue. The Planning Commission recommended approval on 01/12/06.
04/19/06	The City Council approved a request for a Review of Condition (ROC-12097) Number 2 and 4 of a previously approved Site Development Plan Review (SDR-4639) to allow a zero-foot foundation landscape buffer where three feet was allowed and shown on approved plans for a 57,092 square-foot retail/commercial building.
07/12/06	The City Council approved a request for a Variance (VAR-12102) to allow 2,404 parking spaces, where 2,440 is the minimum number of spaces required in conjunction with the addition of a 1,200 square-foot Restaurant within an existing shopping center. The Planning Commission recommended approval on 06/08/06.
10/15/08	The City Council approved a request for a Special Use Permit (SUP-29448) for a proposed Private School, Primary at 9420 West Sahara Avenue, Suite 201. The Planning Commission recommended approval on 09/25/08.
01/26/09	A Code Enforcement case (73991) was processed for Yeshiva Day School of Las Vegas operating from a single-family residence. Code Enforcement closed the case on 02/04/09.
<i>Related Building Permits/Business Licenses</i>	
12/16/08	A business license (B20-01560) was issued for Administrative Offices for a Private School at 9420 West Sahara Avenue, Suite 201.
All city records for building permits at 9420 West Sahara Avenue, Suite 201 are for a previous title company. City records show no history of tenant improvements/certificate of occupancy for a school.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	36.5

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices with a Proposed School, Primary	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishments and Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Peccole Ranch	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is a request for a Review of Condition to change Condition ‘A’ of a previously approved Special Use Permit (SUP-29448) to allow a maximum of 48 students with 4 staff members for a proposed Private School, Primary located within a shopping center at 9420 West Sahara Avenue, Suite 201. The location currently has a business license (B20-01560) for administrative offices only, as their application for a license for the school (S02-01132) was denied on 12/09/08 for failure to meet fire department requirements. Staff from the Business Licensing Department conducted a site inspection on July 16, 2009, and found that the facility appeared to be operating as a school, but confirmation could not be established as the facility was closed. City records show no history of building permits being issued for tenant improvements or a certificate of occupancy for a school. Previous building permits for the subject site were issued for a title company.

FINDINGS

There have not been any significant land use changes or new development within the surrounding area since the approval of the Special Use Permit (SUP-29448). The current use and license at the subject site is for offices only. Title 19.04 parking requirements for a Private School, Primary are based on the total number of classrooms, which are not changing; therefore, parking is sufficient to support the increased number of students. Staff recommends approval of this request.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	885
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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